

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLANDBILL NO. 97-17Introduced by Council Member Chenowith and Council President ParrottLegislative Day No. 97-5 Date February 11, 1997

AN ACT to repeal and reenact, with amendments, Sections 9-124, Creation, 9-125, Membership, 9-127, Terms of Office, Vacancies, 9-129, Officers, 9-130, Meetings, 9-132, Library Personnel, 9-133, Powers and Duties of Library Director, all of Article XXI, Board of Library Trustees, of Part 3, Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended; to rename Article XXI, Board of Library Trustees, of Part 3, Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended, to be Article XXI, Harford County Public Library Board of Trustees; to provide that vacancies on the Board are to be filled in the manner of original appointment; to require that the Board comply with the State Open Meetings Act in conducting certain activities; to specify the conditions under which a Board meeting may be canceled; to provide that a Board member who misses a certain number of meetings is deemed to have resigned, under certain circumstances; to alter an exception to the requirement that the Board use the Procurement Law of the county; to impose certain requirements on Library employees and the Director in regard to certain professional qualifications; to alter the duties of the Director; and generally relating to the Harford County Public Library Board of Trustees.

By the Council, February 11, 1997

Introduced, read first time, ordered posted and public hearing scheduled

on: March 11, 1997at: 6:00 p.m.By Order: James D. Vannoy, Acting Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 11, 1997 and concluded on, March 11, 1997

James D. Vannoy
Acting Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted by the County Council of Harford County, Maryland, That Sections 9-124,
2 Creation, 9-125, Membership, 9-127, Terms of Office, Vacancies, 9-129, Officers, 9-130, Meetings,
3 9-132, Library Personnel, and 9-133 Powers and Duties of Library Director, and Subsections D and
4 E of Section 9-131, Powers and Duties, all of Article XXI, Board of Library Trustees, of Part 3,
5 Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies,
6 of the Harford County Code, as amended, be, and they are hereby, repealed and reenacted with
7 amendments, and that Article XXI, Board of Library Trustees, of Part 3, Authoritative Boards and
8 Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County
9 Code, as amended, be, and it is hereby, renamed to be Article XXI, Harford County Public Library
10 Board of Trustees, all to read as follows:

11 Chapter 9. Boards, Commissions, Councils and Agencies.

12 Part 3. Authoritative Boards and Commissions.

13 Article XXI. HARFORD COUNTY PUBLIC LIBRARY Board of [Library] Trustees.

14 Section 9-124. Creation.

15 The Harford County PUBLIC LIBRARY Board of [Library] Trustees is hereby created as
16 an agency of Harford County, Maryland, pursuant to the Education Article of the Annotated Code
17 of Maryland, §23-301(b)(2).

18 Section 9-125. Membership.

19 A. The Board shall consist of:

20 (1) Seven [(7)] members appointed by the County Executive and confirmed by the
21 County Council;

22 (2) An ex officio, nonvoting member of the County Council, chosen annually by the
23 Council; and

1 (3) An ex officio, nonvoting student representative, chosen ANNUALLY by the
 2 Board [annually who shall be chosen in his/her] IN THE STUDENT'S junior year to serve during the
 3 senior year, said term to begin in July of each year.

4 B. EXCEPT FOR THE STUDENT REPRESENTATIVE, WHO SHALL BE SELECTED
 5 BY THE BOARD IN ACCORDANCE WITH SUBSECTION A OF THIS SECTION, THE [The]
 6 Board shall recommend to the Executive at least [three (3)] THREE persons for each Board vacancy
 7 [other than for the student representative, who shall be selected by the Board of Library Trustees].
 8 The Executive may, but need not, appoint a person recommended by the Board.

9 C. Notwithstanding Subsection A of this section, the Board may increase its membership.
 10 An increase of membership is subject to approval by the County Council, and the additional members
 11 shall be appointed in accordance with Subsection A of this section.

12 Section 9-127. Terms of Office; Vacancies.

13 A. EXCEPT FOR THE STUDENT REPRESENTATIVE, EACH [Each] member of the
 14 Board [other than the student representative] shall serve for a term of [five (5)] FIVE years. At the
 15 end of a term, a member continues to serve until a successor is appointed and qualifies. These terms
 16 shall be staggered as required by the terms of the members serving on the Board as of [July 1, 1981]
 17 JUNE 1, 1997. The student representative shall serve a term of [one (1)] ONE year AND IS not
 18 [subject to] ELIGIBLE FOR reappointment.

19 B. A member [other than the student representative] may be reappointed but may not serve
 20 more than [two (2)] TWO consecutive five-year terms.

21 C. A member [other than the student representative] appointed to fill a vacancy in an
 22 unexpired term shall serve for the remainder of that term and may be reappointed to [two (2)] TWO

1 full five-year terms [thereafter].

2 D. A VACANCY ON THE BOARD SHALL BE FILLED IN THE MANNER OF
3 ORIGINAL APPOINTMENT.

4 Section 9-129. Officers.

5 A. By July 1 of each year, the Board shall nominate [one (1)] ONE of its members as
6 Chairperson, subject to appointment by the County Executive and confirmation by the County
7 Council.

8 B. The Board may, without confirmation, elect any other officers it deems necessary.

9 Section 9-130. Meetings.

10 A. [Meetings generally.] (1) The Board shall meet at regularly scheduled times at least once
11 each month, except August and December, when it need not meet. The Board may hold special
12 meetings at the call of the Chairperson or [two (2)] TWO or more members. All Board meetings
13 shall be held in a room that seats at least [fifty (50)] FIFTY members of the public. Four [(4)]
14 members of the Board are a quorum. ALL BOARD MEETINGS SHALL BE CONDUCTED IN
15 ACCORDANCE WITH THE STATE OPEN MEETINGS ACT, AND THE BOARD MAY USE
16 THE OPEN MEETINGS ACT MANUAL PUBLISHED BY THE MARYLAND ATTORNEY
17 GENERAL TO GUIDE IT IN COMPLYING WITH THE LAW.

18 (2) The Board shall:

19 (a) Except where they conflict with this Article, use THE LATEST EDITION
20 OF Robert's Rules of Order, NEWLY REVISED, for the conduct of its meetings; and

21 (b) Appoint a member or a Board employee as parliamentarian.

1 (3) [Open and closed meetings.

2 (a) Except as provided in this section, all Board business shall be conducted in open
3 meetings.

4 (b) The Board may meet in a closed meeting or adjourn an open meeting to
5 a closed meeting only to:

6 (I) Discuss the employment, assignment, promotion, discipline,
7 demotion, compensation, removal or resignation, of a Board employee or potential Board employee;

8 (ii) Discuss the possible acquisition of real property;

9 (iii) Consult with counsel;

10 (iv) Consult with staff, consultants or other
11 individuals about pending or potential litigation; or

12 (v) Discuss other issues as permitted by state law.]

13 (a) EXCEPT AS OTHERWISE EXPRESSLY PERMITTED BY THE
14 STATE OPEN MEETINGS ACT, THE BOARD SHALL CONDUCT ALL OF ITS BUSINESS
15 IN OPEN MEETINGS.

16 [(3)(c)] (b) The student representative shall not attend any closed meeting.

17 (4) [Minutes.] (a) The Board shall keep minutes of its [meetings, both closed
18 meetings and open meetings, and the minutes shall be open to the public] MEETINGS IN
19 ACCORDANCE WITH THE STATE OPEN MEETINGS ACT.

20 (b) All voting, except in procedural motions, shall be by roll call, and the ayes and
21 nays shall be recorded in the minutes.

1 [(c) Minutes of a closed meeting need not contain:

2 (I) The name of any current or potential Board employee who is the
3 subject of discussion under subsection A(3)(b)(I) of this section; or

4 (ii) More than a brief summary of any other matter discussed under subsection
5 A(3)(b) of this section.]

6 [(d)] (c) At least [seven (7)] SEVEN calendar days before the next regular Board
7 meeting, the Board shall send copies of the minutes of its previous meeting to the Director of
8 Administration, the [Secretary] ADMINISTRATOR of the County Council and the County Attorney.

9 (5) The agenda for each regular Board meeting shall include at least the following
10 items:

11 (a) Call to order.

12 (b) Recognitions.

13 (c) Approval of minutes.

14 (d) Treasurer's report.

15 (e) Committee reports.

16 (f) Special presentations.

17 (g) Action items.

18 (h) Old business.

19 (I) New business.

20 (j) Comments from the public.

21 (k) Business from the Chairperson.

22 (l) Business from Board members.

1 (m) Adjournment.

2 (6) The Board shall send copies of its agenda for each regular meeting to the Director
3 of Administration, the [Secretary] ADMINISTRATOR of the County Council and the County
4 Attorney at least [seven (7)] SEVEN calendar days before the meeting.

5 (7) A Board meeting may be canceled only [if a quorum is not present] IF:

6 (a) A QUORUM IS NOT PRESENT; OR

7 (b) SEVERE WEATHER CAUSES COUNTY LIBRARIES TO CLOSE.

8 (8) [Notices.] (a) In addition to the public notice provisions of the State [Government
9 Article, §10-506, of the Annotated Code of Maryland] OPEN MEETINGS ACT, the Board shall
10 post notices of its regular meetings in each library branch at least [seven (7)] SEVEN calendar days
11 before each meeting.

12 (b) Each notice shall:

13 (i) Be posted in a conspicuous place;

14 (ii) Be in writing;

15 (iii) Include the date, time and place of the meeting; and

16 (iv) Include the agenda for the meeting.

17 (9) Notice of special meetings of the Board shall be given in accordance with
18 subsection A(8) of this section unless, in the judgment of the Chairperson, an emergency special
19 meeting is necessary.

20 B. [Nonattendance at meetings.

21 (1) A member of the Board who fails to attend at least half of the scheduled meetings
22 of the Board during any calendar year shall be deemed to have resigned from the Board.

1 (2) The Chairperson of the Board shall report the member's name and nonattendance
2 to the County Executive by January 15 of the following year.

3 (3) The County Executive may reject the resignation if the member explains the
4 nonattendance satisfactorily.

5 (4) The resignation is effective from the date of the final review by the County
6 Executive, which shall be within thirty (30) days after the report is received from the Chairperson.
7 The County Executive shall fill any resulting vacancy as provided in §9-127.] IF A BOARD
8 MEMBER FAILS TO ATTEND SIX OR MORE OF THE SCHEDULED MEETINGS OF THE
9 BOARD IN A CALENDAR YEAR:

10 (1) THE MEMBER SHALL BE DEEMED TO HAVE RESIGNED FROM THE
11 BOARD;

12 (2) THE CHAIRPERSON OF THE BOARD SHALL REPORT THE MEMBER'S
13 NAME AND NONATTENDANCE TO THE COUNTY EXECUTIVE AS SOON AS POSSIBLE;

14 (3) THE COUNTY EXECUTIVE MAY REJECT THE RESIGNATION IF THE
15 MEMBER EXPLAINS THE NONATTENDANCE SATISFACTORILY; AND

16 (4) IF THE COUNTY EXECUTIVE DOES NOT ACCEPT THE EXPLANATION
17 AND REJECT THE RESIGNATION, THE RESIGNATION IS EFFECTIVE THIRTY
18 CALENDAR DAYS FROM THE DATE IT WAS RECEIVED BY THE EXECUTIVE.

19 Section 9-131. Powers and Duties.

20 D. [Procurement. (1)] [Except as provided in subsection D(2) of this section, the] THE
21 Board shall require that goods and services for the library, including goods and services for capital
22 projects, be purchased in accordance with the Procurement Law for the county, EXCEPT FOR THE

1 FOLLOWING ITEMS:

2 [(2) This subsection does not apply to:]

3 [(a)] (1) Library materials available for [loan to] USE BY the public;

4 [(b)] (2) Gifts to the library; or

5 [(c)] (3) Goods obtained at less than fair market value [from another library].

6 E. The Board:

7 (1) Shall use the County Law Department for any legal services it requires.

8 (2) May, in accordance with the provisions of Section 403(c) of the Charter, retain
9 outside counsel.

10 Section 9-132. Library Personnel.

11 A. The Board shall:

12 (1) Select and appoint a [certified] professional librarian as Director of the library.

13 (2) REQUIRE THAT THE DIRECTOR:

14 (a) HOLD A CERTIFICATE OF LIBRARY QUALIFICATIONS ISSUED
15 BY THE STATE SUPERINTENDENT OF SCHOOLS; OR

16 (b) APPLY FOR AND RECEIVE A CERTIFICATE OF LIBRARY
17 QUALIFICATIONS FROM THE STATE SUPERINTENDENT OF SCHOOLS WITHIN ONE
18 YEAR AFTER BEING APPOINTED DIRECTOR.

19 [(2)] (3) By September 1 of each year, complete a written evaluation of the Director's
20 job performance and forward it to the County Executive.

21 [(3)] (4) Upon recommendation of the Director, [appoint] CONFIRM THE
22 APPOINTMENT OF any other necessary employees.

1 B. The Director's employment contract with the Board may be renewed only upon the
2 affirmative vote of at least [four (4)] FOUR Board members during a regularly scheduled Board
3 meeting. The Board may not agree, by contract or otherwise, to any other method of renewal, and
4 any such agreement is void.

5 C. The Board shall adopt:

6 (1) Policies for staff classification, salaries, benefits, [working conditions, hiring and
7 termination] AND OTHER PERSONNEL ISSUES; and

8 (2) A grievance procedure for Board employees.

9 D. [Each appointee to the professional library staff shall hold a certificate or provisional
10 certificate of library qualifications issued by the State Superintendent of Schools.]

11 EACH PROFESSIONAL PUBLIC LIBRARIAN APPOINTEE TO THE PROFESSIONAL
12 LIBRARY STAFF SHALL:

13 (1) HOLD A CERTIFICATE OF LIBRARY QUALIFICATIONS ISSUED BY THE
14 STATE SUPERINTENDENT OF SCHOOLS; OR

15 (2) BE ELIGIBLE AND APPLY FOR STATE CERTIFICATION AS A
16 PROFESSIONAL PUBLIC LIBRARIAN WITHIN SIX MONTHS OF STARTING
17 EMPLOYMENT.

18 E. Board employees shall not be considered county employees but shall be the employees of
19 the Board itself.

20 F. Only the Board may terminate the employment of any of its employees.

21 Section 9-133. Powers and Duties of Library Director.

22 The Director of the library shall:

1 A. Act as the [general] CHIEF executive officer of the library and [manage its daily
2 operations under Board policies] BE RESPONSIBLE FOR THE MANAGEMENT OF ITS
3 OPERATIONS IN ACCORDANCE WITH THE POLICIES APPROVED BY THE BOARD.

4 B. By November 1 of each year, prepare THE ANNUAL BUDGET OF THE LIBRARY and
5 present IT to the Board for [its] approval [the annual budget].

6 C. [Nominate, for appointment by the Board, all clerical and professional employees in the
7 library system] NOMINATE FOR CONFIRMATION BY THE BOARD ALL EMPLOYEES IN
8 THE LIBRARY SYSTEM.

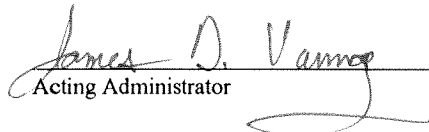
9 D. ESTABLISH RULES AND ADOPT REGULATIONS FOR THE USE OF THE
10 LIBRARY SYSTEM SUBJECT TO APPROVAL BY THE BOARD.

11 Section 2. And Be It Further Enacted, That notwithstanding any other provision of law, the terms of
12 the members serving on June 1, 1997 expire as follows: (1) R. Paul Ryan on December 31, 1998;
13 (2) Louis Balducci and David W. Robinson on December 31, 1999; (3) Woodrow B. Grant, Jr. and
14 Delta L. Sewell on December 31, 2000; and (4) Virginia M. O'Rourke and Pamela C. Reiter on
15 December 31, 2001.

16 Section 3. And Be It Further Enacted, That this Act shall take effect 60 calendar days from the date
17 it becomes law.

EFFECTIVE: May 19, 1997

The Secretary of the Council does hereby
certify that fifteen (15) copies of this Bill are immediately
available for distribution to the public and the press.


Acting Administrator

HARFORD COUNTY BILL NO. 97-17(Brief Title) Harford County Library - Board of Trustees

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vanna
 Acting Council Administrator

Loanne J. Parrott
 President of the Council
Date March 11, 1997Date March 11, 1997

BY THE COUNCIL

Read the third time.

Passed: LSD 97-8 (March 11, 1997)

Failed of Passage: _____

By Order

James D. Vanna
 Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 13th day of March, 1997 at 3:00 p. m.

James D. Vanna
 Acting Council Administrator

BY THE EXECUTIVE

Edwin M. Lehmann
 COUNTY EXECUTIVE
APPROVED: Date March 18, 1997

BY THE COUNCIL

This Bill (No. 97-17), having been approved by the Executive and returned to the Council, becomes law on March 18, 1997.

James D. Vanna
 Acting Council Administrator

EFFECTIVE DATE: May 19, 1997